#438

BILL NO. Z-90-07-10

ZONING MAP ORDINANCE NO. Z-Withdrawn

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R-2 (Two Family Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

The south forty-one and one-half (41 1/2) feet of Lots Numbered 8 & 9 in Block Numbered fifteen (15) in Rockhill Heirs Addition to the City of Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. J-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 7-10-98

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES				
BRADBURY				
BURNS				
EDMONDS				
GiaQUINTA				
HENRY				
LONG				
REDD				
SCHMIDT				
TALARICO				

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19___, at the hour of _____ o'clock _____.M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M.,E.S.T.

_____
PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS

L.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

CK # 3966

RECEIPT

№ 7325

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., June 20 1990

RECEIVED FROM Kristin A. Ledbetter $ 100.00

THE SUM OF One Hundred and no/100's 100 DOLLARS

ON ACCOUNT OF Rezoning — 1216 Runnion

W. E. O'Brien

AUTHORIZED SIGNATURE

PAID BY: CASH ☐ CHECK ☑ M.O. ☐

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Michael E. Ehler
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B District to a/an R-2 District the property described as follows:

The South forty-one and one-half (41 1/2) feet of Lots numbered 8 & 9 in Block numbered fifteen in Rockhill Heirs ~~XXXXXXXXX~~ Addition to the City of Fort Wayne, Indiana.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1216 Runnion Ave.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Michael E. Ehler	1216 Runnion Avenue	Michael E Ehler
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ar ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

KK Michael E. Ehler	1216 Runnion Ave 46808, FTW	426-6483
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The South forty-one and one-half (41 1/2) feet of Lots numbered 8 & 9 in Block numbered fifteen in Rockhill Heirs Addition to the city of Fort Wayne, Indiana.

Owners of Property

(Name)	(Address)	(Signature)
Michael E. Ehler	1216 Runnion Ave., Ftw, 46808	Michael E Ehler

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

ZOHRAB K. TAZIAN, PE & LS
president
JERRY K. WALKER, PE & LS
vice-president

zktazian
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
219/426-0003

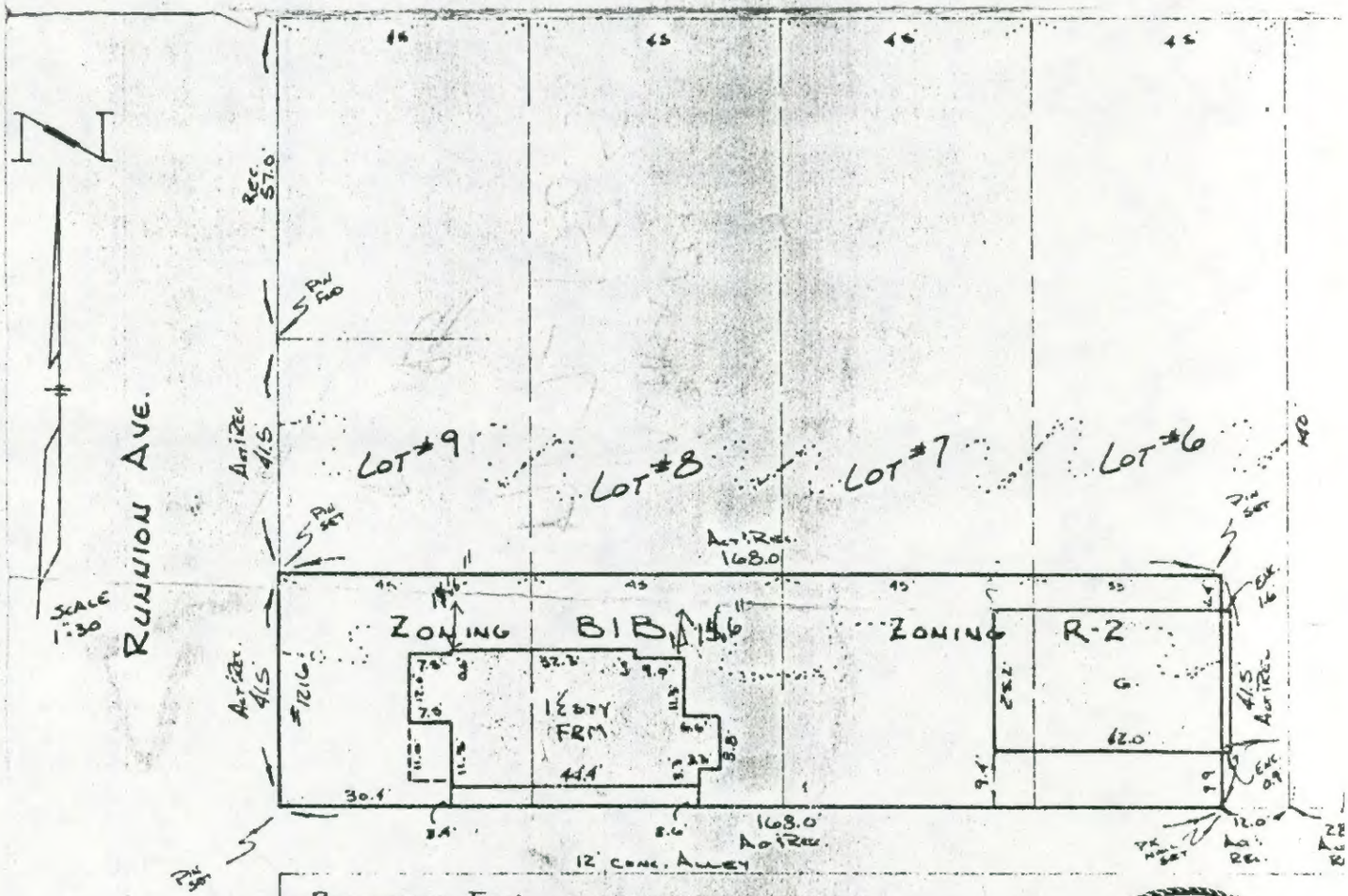
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

The South forty one and one-half (41 1/2) feet of Lots numbered six (6), seven (7), eight (8), and nine (9) in Block numbered fifteen in Rockhill Heirs Addition to the City of Fort Wayne, Indiana, except the East twelve (12) feet of said Lot numbered six (6), according to the recorded plat of said Addition.

This property is not in a special flood hazard area as defined by the FIA Flood Hazard Boundary Map No. H-01-18, effective Jan. 30, 1976.



RECTIFIED FOR:
MATHEWSON
27 DEC. 83.
ALL CORNERS
LOCATED AND
FLAGGED.

I hereby certify on the 20th day of August, 19 82 that the above survey is correct.

Surveyed for: Mathewson

Survey No.: KU-161

Zohrab K. Tazian

ZOHRAB K. TAZIAN REGISTERED No. S0011 STATE OF INDIANA LAND SURVEYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-07-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1990.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 27 August 1990.

Certified and signed this
28th day of August 1990.

Robert Hutner
Secretary

#438

ORIGINAL **DIGEST SHEET** ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1216 Runnion Avenue

2-90-07-10

EFFECT OF PASSAGE Property is presenting zoned B-1-B- Limited Business District. Property will become R-2 - Two Family Residential District.

EFFECT OF NON-PASSAGE Property will remain B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-90-07-10
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From B-1-B to R-1

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1216 Runnion Street

Reason for Project
Property is being used a single family residence. Owner is in the process of selling and in order to mortgage through FHA they require that the property be zoned residentially.

Discussion (Including relationship to other Council actions)

16 July 1990 - Public Hearing

Michael Ehler, petitioner stated that at the time the request was made he was in the process of selling this property. He stated that it was being mortgaged through FHA and they require that it be zoned residential.

Steve Smith asked if the property was being used for a business.

Mr. Ehler stated that it is being used as a residence and has been for the last 73 years.

David Wright questioned why this property was zoned B-1-B.

Wayne O'Brien, Planner II, with CED, stated that he was not familiar with the history of the property. He stated however that in the general area there are some older uses associated with the corners that may have led to this type of zoning. He stated that the property across the street to the north and west and on the other side of the alley is commercial.

Yvonne Stam stated that staff had recommended

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Michael Ehler City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -approval would create a single residential zoning between commercially zoned land
Board or Commission Recommendation	By ☐ For ☐ Against ☒ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

that the petitioner should seek support and include the properties to the north as part of this request and the staff would then look favorably upon the request.

Mr. Ehler stated he had tried to contact the neighbors but was only able to reach one of them. He stated that this person was willing to enter into a rezoning of the property.

Mr. Ehler stated that he had since applying for the rezoning received a letter from FHA stating that there concern was that if the structure was destroyed it could be rebuilt as a residence. He stated that they did receive a letter stating that it could be rebuilt residential and this has satisfied the concerns of FHA. He stated that they are continuing with the rezoning request for the benefit of the new homeowner. He stated they applied for the rezoning because they were unaware they were going to get a letter clearing the matter up with FHA.

Steve Smith questioned then if the FHA problem had already been resolved.

Mr. Ehler stated that it had but that he was willing to continue with the request as a courtesy to the new owners to alleviate any further difficulties they could encounter if they decide to sell and go through FHA again.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

23 July 1990 - Business Meeting

Motion was made and seconded to defer the request for thirty (30) days for the following reasons:

1. Deferral will allow the petitioner the opportunity to discuss the nature of the downzoning with the other residents, and hopefully file a new petition that reflects a more appropriate downzoning.

2. If the petitioner chooses not to refile, the Plan Commission will act on this petition at their August 27th Business Meeting. If a new petition is filed, the Site Committee would entertain a request for withdrawal of this petition.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote. Motion Carried.

27 August 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council as WITHDRAWN as requested by the petitioner.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

Project Start Date 6-20-90

Projected Completion or Occupancy Date 8-28-90

Fact Sheet Prepared by Date 8-28-90

Patricia Biancaniello

Reviewed by Date 8/30/90

Larry Magliozzi

Reference or Case Number

BILL NO. Z-90-07-10

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

withdraw 9/11

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. J-10

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 9-11-90

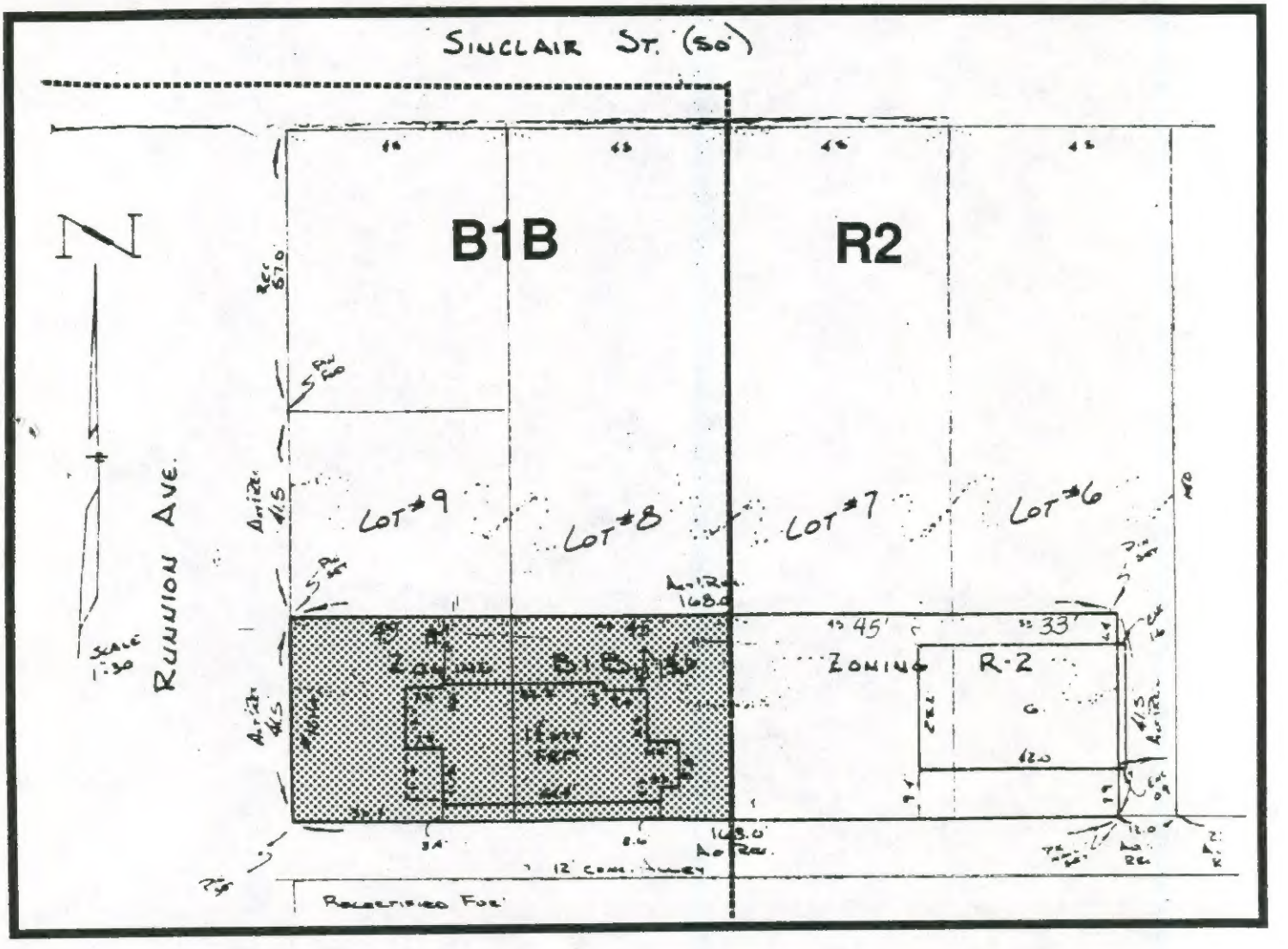
Sandra E. Kennedy
City Clerk

REZONING PETITION #438

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **B1B** DISTRICT TO A **R2** DISTRICT.

MAP NO. **J-10**

COUNCILMANIC DISTRICT NO. **4**



ZONING:

R2 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

LAND USE:

☐ *SINGLE FAMILY*

☐ *DUPLEX*

LW

SCALE: NTS

DATE: 6-21-90